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Paper No.

CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON MA 02110

MAILED

JUL 23 2010

OFFICE OF PETITIONS

In re Application of	:	
Robl, et al.	:	DECISION ON APPLICATION
Application No. 10/705,519	:	FOR
Filed: November 10, 2003	:	PATENT TERM ADJUSTMENT
Atty Docket No.	:	
50195/023003	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)," filed December 3 2008.¹ Applicants request that the patent term adjustment of two hundred sixty three (263) days be adjusted to a determination of four hundred and sixty nine (469) days.

The request for reconsideration of patent term adjustment is **GRANTED**.

On September 30, 2008, the above-identified application matured into US Patent No. 7,429,690 with a patent term adjustment of 263 days. This request for reconsideration of patent term adjustment was timely filed within two months of the issue date of the patent. See 37 CFR 1.705(d).

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e), paid on December 1, 2008. No additional fees are required.

Patentees request recalculation of the patent term adjustment based on the decision in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentees assert that in view of the decision in Wyeth, they are entitled to a total patent term adjustment of 469 days.

¹ Note the certificate of mailing date for petition was 12/1/2008.

In view of the Federal Circuit decision *Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010) the relief requested is granted.

The Office will sua sponte issue a certificate of correction reflecting this decision.

Telephone inquiries specific to this decision should be directed to Maria Nuzzolillo, Legal Advisor, at (571) 272-8150, or the undersigned at 571-272-7757.

/Kery A. Fries/

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Examination Policy

cc: Draft Certificate of Correction
Adjusted PTA calculation

PALM INTRANET

Day : Monday
Date : 7/19/2010
Time : 12:41:19

PTA Calculations for Application: 10/705519					
Application Filing Date:		11/10/2003	PTO Delay (PTO):		455
Issue Date of Patent:		09/30/2008	Three Years:		0
Pre-Issue Petitions:		0	Applicant Delay (APPL):		192
Post-Issue Petitions:		0	Total PTA (days):		469
PTO Delay Adjustment:		206			
File Contents History					
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19	04/10/2006	MAIL RESTRICTION REQUIREMENT	455		-1
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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,449,019 B2

DATED : November 11, 2008

Draft

INVENTOR(S) : Uchida et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (702) days

Delete the phrase "by 702 days" and insert – by 1081 days--

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,429,690 B2

DATED : September 30, 2008

Draft

INVENTOR(S) : Robl, et al.

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[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (469) days

Delete the phrase "by 263 days" and insert – by 469 days--

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